IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

§

VINSON LAADRAIN DAWSON

v. § CIVIL ACTION NO. 6:18cv164

DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

The above-entitled and numbered application for the writ of habeas corpus was referred to United States Magistrate Judge K. Nicole Mitchell. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. No objections were filed. The court concludes that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the court. It is therefore

ORDERED that the above-styled application for the writ of habeas corpus is **DISMISSED** with prejudice as to the Petitioner's challenge to his conviction for assault on a public servant, and **DISMISSED** without prejudice as duplicative as to Petitioner's challenge to his sexual assault conviction. The dismissal of the challenge to Petitioner's sexual assault conviction shall not prevent him from litigating his claims in his previously filed habeas corpus petition challenging this same conviction, civil action no. 6:18ev12. It is further

ORDERED that the Petitioner is **DENIED** a certificate of appealability *sua sponte*. The denial of a certificate of appealability relates only to an appeal of the present case and shall not affect Petitioner's right to seek permission to file a successive petition or to litigate his claims in his pending case. All motions not previously ruled upon are **DENIED**.

1

SIGNED this the 11th day of February, 2019.

RICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE